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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

15 CHRISTOPHER TRAVIS, individually)
16 and derivatively on behalf of MILK)
17 RIVER HUNTING PRESERVE, LLC, a)
dissolved Montana limited liability)
18 company,)
19)
Plaintiff,)
20 vs.)
21)
JOHN KEVIN MOORE, et al.,)
22)
Defendants.)

Cause No.: CV-22-74-GF-BMM-JTJ

**PLAINTIFF'S COMBINED
MOTION FOR DEFAULT
JUDGMENT AND PARTIAL
SUMMARY JUDGMENT
QUIETING TITLE**

COMES NOW, Plaintiff Christopher Travis, individually and derivatively on behalf of Milk River Hunting Preserve, LLC, and pursuant to Rules 55(b) and 56(a), Fed. R. Civ. P., moves for default judgment and partial summary judgment on Count V of Plaintiff's Verified Complaint, which requests an order from the Court quieting title in the following described real property located in Valley County, Montana, in the name of Milk River Hunting Preserve, LLC:

Township 28 North, Range 41 East, MPM

Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM the Railroad and Highway Right of Way described as follows:

Beginning at the Northwest Section corner of Section 28; thence S. 0D 09' W. a distance of 330.00 feet along the west section line of said Section 28 to the true point of beginning; thence S. 0D 09' W. continuing along the section line a distance of 344.28 feet; thence S. 71D 44' 58" E. a distance of 1392.74 feet; thence N. 0D 13' 32" E. along the 1/16 section line a distance of 334.88 feet; thence N. 71D 23' 18" W. along the Highway R/W line a distance of 696.00 feet to highway station 503+00; thence N. 18D 36' 42" E. a distance of 20 feet; thence N. 71D 23' 18" W. along the Highway R/W line a distance of 700.11 feet to the point of true beginning.

ALSO EXCEPTING therefrom all of the lands north of the U.S. Highway No. 2 located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, Township 28 North, Range 41 East, MPM. (Deed reference: Book 124 Deeds page 852, Doc. No. 36749)

EXCEPTING therefrom lands conveyed to the State of Montana Highway Commission and more particularly described in book 65 of Deeds on pages 613-614.

Section 28: A strip or piece of land 185 feet wide in the E $\frac{1}{2}$ NW $\frac{1}{4}$ lying between two lines parallel to and distant respectively, 75 feet and 260 feet

1 southwesterly, measured at right angles, from the center line of the
2 main track of the railway of the Great Northern (now Burlington
3 Northern) Railway Company, as now located and constructed. (Deed
reference book 63 MRE pages 27-28).

4 Section 29: All that part of the right of way of the railway of Great Northern, now
5 Burlington Northern, lying between two lines parallel to and distant,
6 respectively, 75 feet and 260 feet Southwesterly, measured at right
7 angles from the centerline of the railway of the Great Northern
8 Railway (now Burlington Northern) Company, as now located and
9 constructed and extending from the East line of said Section 29
Northwesterly to a line drawn at a right angle to said centerline of
railway at a point therein distant Northwesterly 800 feet, measured
along said center line, from its intersection with the East line of said
Section 29. (Deed reference book 61 MRE pages 323-328)

10 Section 29: Lots 6, 7, 13, 15, S½NE¼

11 Section 29: Lots 1, 2, 5, 8, 10, 11, N½NE¼ less railroad and highway right-of-
12 way

13 Section 30: Lot 23

14 **Township 28 North, Range 41 East, MPM**

15 Section 28: Lots 2, 3, 8, 10, SW¼NW¼, NW¼SW¼
16 EXCEPTING from Lot 2 a tract of land more particularly described in
17 book 17 of Deeds on pages 42-43, Doc. No. 53396 – to Great
18 Northern Railway Company.

19 DATED this 8th day of August, 2023.

20 CHRISTENSEN FULTON & FILZ, PLLC

21 /s/ Joseph L. Breitenbach
22 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I, the undersigned, a representative of the law firm of Christensen, Fulton & Filz, P.L.L.C., hereby certify that I served a true and complete copy of the foregoing **PLAINTIFF'S COMBINED MOTION FOR DEFAULT JUDGMENT AND PARTIAL SUMMARY JUDGMENT QUIETING TITLE** on the following persons by the following means:

- 1-6 CM/ECF
_____ Hand Delivery
_____ Mail
_____ Overnight Delivery Service
_____ Fax
_____ E-Mail
1. Clerk, U.S. District Court
2. Benjamin O. Rechtfertig
Hedger Friend, PLLC
2800 Central Ave., Suite C
Billings, MT 59102
3. Lynsey Ross
Mark Steger Smith
U.S. Attorney's Office
2601 2nd Ave. North, Suite 3200
Billings, MT 59101
4. Chris McConnell
Kirsten Madsen
Commissioner of Securities & Insurance
Office of the Montana State Auditor
840 Helena Ave.
Helena, MT 59601
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DATE: August 8, 2023

/s/ Joseph L. Breitenbach